

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02078-RBW**

AMERICAN OVERSIGHT v. DEPARTMENT OF
TREASURY et al
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 10/05/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **John E. Bies**
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V.

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Rebecca Michelle Kopplin**
UNITED STATES DEPARTMENT OF
JUSTICE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**
TERMINATED: 04/04/2019

represented by **Rebecca Michelle Kopplin**
(See above for address)
TERMINATED: 04/04/2019

V.

Intervenor Defendant**COMMITTEE ON WAYS AND
MEANS U.S. HOUSE OF
REPRESENTATIVES**

represented by **Thomas G. Hungar**
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Date Filed	#	Docket Text
10/05/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5147510) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons USAO, # <u>3</u> Summons Attorney General, # <u>4</u> Summons Treasury, # <u>5</u> Summons OMB, # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E, # <u>11</u> Exhibit F, # <u>12</u> Exhibit G, # <u>13</u> Exhibit H)(France, Elizabeth) (Entered: 10/05/2017)
10/05/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 10/05/2017)
10/06/2017		Case Assigned to Judge Reggie B. Walton. (zsb) (Entered: 10/06/2017)
10/06/2017	<u>3</u>	SUMMONS (4) Issued Electronically as to OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 10/06/2017)
10/20/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/11/2017. (Answer due for ALL FEDERAL DEFENDANTS by 11/10/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 10/11/2017; U.S. DEPARTMENT OF THE TREASURY served on 10/12/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/11/2017. (Attachments: # <u>1</u> Exhibit A)(France, Elizabeth) (Entered: 10/20/2017)

10/20/2017	<u>5</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on October 20, 2017. (lcrbw3) (Entered: 10/20/2017)
10/27/2017	<u>6</u>	NOTICE of Appearance by Sara Kaiser Creighton on behalf of AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 10/27/2017)
11/13/2017	<u>7</u>	NOTICE of Appearance by Rebecca Michelle Kopplin on behalf of All Defendants (Kopplin, Rebecca) (Entered: 11/13/2017)
11/13/2017	<u>8</u>	ANSWER to <u>1</u> Complaint by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY.(Kopplin, Rebecca) Modified to add link on 11/14/2017 (znmw). (Entered: 11/13/2017)
11/14/2017		MINUTE ORDER. Because the plaintiff pursues this action under the Freedom of Information Act, the initial disclosure requirements of Federal Rule of Civil Procedure 26(a)(1)(A) are not implicated and no scheduling conference need be held. See Local Civ. R. 16.3(b)(10). Accordingly, it is hereby ORDERED that the parties shall submit to the Court on or before December 14, 2017, a joint status report, proposing a schedule for the filing of, if any, dispositive motions, oppositions thereto, and replies. Signed by Judge Reggie B. Walton on November 14, 2017. (lcrbw3) (Entered: 11/14/2017)
11/14/2017		Set/Reset Deadlines: Joint Status Report due by 12/14/2017 (hs) (Entered: 11/14/2017)
12/14/2017	<u>9</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Creighton, Sara) (Entered: 12/14/2017)
12/19/2017		MINUTE ORDER. Upon consideration of the proposed production schedules set forth in the parties' Joint Status Report, it is hereby ORDERED that the parties shall appear for a status hearing on Tuesday, January 2, 2018, at 2:30 p.m. It is further ORDERED that the United States Department of the Treasury shall be prepared to address the number of other pending FOIA requests it is currently processing, the resources it has available to process those requests, and why additional resources cannot be devoted to processing the plaintiff's request. Signed by Judge Reggie B. Walton on December 19, 2017. (lcrbw3) (Entered: 12/19/2017)
12/19/2017		Set/Reset Hearings: Status Conference set for 1/2/2018 at 02:30 PM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 12/19/2017)
12/29/2017	<u>10</u>	NOTICE of Filing by U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Exhibit Declaration)(Kopplin, Rebecca) (Entered: 12/29/2017)
01/02/2018	<u>11</u>	NOTICE of Filing by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Sara Creighton)(Creighton, Sara) (Entered: 01/02/2018)
01/02/2018	<u>12</u>	NOTICE of Appearance by John E. Bies on behalf of AMERICAN OVERSIGHT (Bies, John) (Entered: 01/02/2018)
01/02/2018		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 1/2/2018. Joint oral motion for continuance; granted. Status Conference set for 2/2/2018 at 11:00 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Tim Miller) (hs) (Entered: 01/02/2018)
01/03/2018	<u>13</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that, on or before February 2, 2018, the United States Department of the Treasury ("Treasury") shall de-duplicate all documents it has identified as potentially responsive to the plaintiff's Treasury Congressional Request in order to determine the total number of unique documents potentially responsive to that request. It is further ORDERED that the parties shall appear for a status conference on February 2, 2018, at 11:00 a.m. At the status conference, Treasury should be prepared to report to the Court (1) the total number of unique documents it has determined to be potentially responsive to the plaintiff's Treasury Congressional Request and (2) the pace at which it believes that it can review and process those documents. Signed by Judge Reggie B. Walton on January 3, 2018. (lcrbw3) (Entered: 01/03/2018)
02/02/2018		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 2/2/2018. Joint oral request for continuance; granted. Status Conference set for 4/6/2018 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court

		Reporter Cathryn Jones) (hs) (Entered: 02/02/2018)
02/02/2018	<u>14</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the United States Department of the Treasury ("Treasury") shall review and process the approximately 639 documents that it has identified as potentially responsive to the plaintiff's Treasury Congressional Request. Treasury shall review and process at least 60 documents by March 5, 2018, and at least an additional 60 documents each month thereafter. Treasury shall make rolling productions of any non-exempt, responsive records identified in its review for each month. It is further ORDERED that the parties shall appear for a status conference on April 6, 2018, at 9:30 a.m. Signed by Judge Reggie B. Walton on February 2, 2018. (lcrbw3) (Entered: 02/02/2018)
04/06/2018		Minute Entry: for proceedings held before Judge Reggie B. Walton: Status Conference held on 4/6/2018. Status Conference set for 7/5/2018 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Scott Wallace) (hs) (Entered: 04/06/2018)
04/13/2018	<u>15</u>	MOTION to Intervene by Committee on Ways and Means U.S. House of Representatives (Attachments: # <u>1</u> Declaration Carr Declaration, # <u>2</u> Exhibit Answer, # <u>3</u> Text of Proposed Order)(Hungar, Thomas) (Entered: 04/13/2018)
04/13/2018	<u>16</u>	NOTICE of Appearance by Thomas G. Hungar on behalf of Committee on Ways and Means U.S. House of Representatives (Hungar, Thomas) (Entered: 04/13/2018)
04/13/2018	<u>17</u>	NOTICE of Appearance by Kimberly Ann Hamm on behalf of Committee on Ways and Means U.S. House of Representatives (Hamm, Kimberly) (Entered: 04/13/2018)
04/16/2018		NOTICE OF ERROR re <u>15</u> Motion to Intervene; emailed to thomas.hungar@mail.house.gov, cc'd 11 associated attorneys — The PDF file you docketed contained errors: 1. Reminder: Parties are always added using capital letters. (ztd,) (Entered: 04/16/2018)
06/14/2018	<u>18</u>	MOTION for Leave to File <i>Motion for Partial Summary Judgment</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Creighton, Sara) (Entered: 06/14/2018)
06/22/2018		MINUTE ORDER. Upon consideration of the unopposed <u>15</u> Motion for Leave to Intervene of the Committee on Ways and Means of the U.S. House of Representatives, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Committee is added as a defendant-intervenor in this action. It is further ORDERED that the Committee's [15-2] Answer is deemed filed as of the date of this Order. Signed by Judge Reggie B. Walton on June 22, 2018. (lcrbw3) (Entered: 06/22/2018)
06/22/2018	<u>19</u>	ANSWER to Complaint by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES.(ztd) (Entered: 06/26/2018)
06/28/2018	<u>20</u>	RESPONSE re <u>18</u> MOTION for Leave to File <i>Motion for Partial Summary Judgment</i> filed by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Kopplin, Rebecca) (Entered: 06/28/2018)
07/03/2018	<u>21</u>	MOTION to Modify <i>Production Order</i> by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES (Attachments: # <u>1</u> Text of Proposed Order)(Hungar, Thomas) (Entered: 07/03/2018)
07/03/2018	<u>22</u>	REPLY to opposition to motion re <u>18</u> MOTION for Leave to File <i>Motion for Partial Summary Judgment</i> filed by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 07/03/2018)
07/04/2018	<u>23</u>	Memorandum in opposition to re <u>21</u> MOTION to Modify <i>Production Order</i> filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(France, Elizabeth) (Entered: 07/04/2018)
07/05/2018		Minute Entry; for proceedings held before Judge Reggie B. Walton: Motion Hearing held on 7/5/2018 re <u>18</u> MOTION for Leave to File <i>Motion for Partial Summary Judgment</i> filed by AMERICAN OVERSIGHT, and <u>21</u> MOTION to Modify <i>Production Order</i> filed by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF

		REPRESENTATIVES. Order reflecting rulings from the bench to issue via chambers. Status Conference set for 2/1/2019 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones. (hs) (Entered: 07/05/2018)
07/05/2018	<u>24</u>	ORDER. See attached for further details. Signed by Judge Reggie B. Walton on July 5, 2018. (lcrbw3) (Entered: 07/05/2018)
07/25/2018	<u>25</u>	TRANSCRIPT OF PROCEEDINGS before Judge Reggie B. Walton held on July 5, 2018; Page Numbers: 1 – 26. Court Reporter/Transcriber Cathryn Jones, Telephone number 2023543246, Transcripts may be ordered by submitting the Transcript Order Form<P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P>Redaction Request due 8/15/2018. Redacted Transcript Deadline set for 8/25/2018. Release of Transcript Restriction set for 10/23/2018.(Jones, Cathryn) (Entered: 07/25/2018)
10/03/2018	<u>26</u>	MOTION to Clarify re <u>24</u> Order on Motion for Leave to File, Order on Motion to Modify by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES (Attachments: # <u>1</u> Text of Proposed Order)(Hungar, Thomas) (Entered: 10/03/2018)
10/04/2018	<u>27</u>	Memorandum in opposition to re <u>26</u> MOTION to Clarify re <u>24</u> Order on Motion for Leave to File, Order on Motion to Modify filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(France, Elizabeth) (Entered: 10/04/2018)
10/09/2018	<u>28</u>	REPLY to opposition to motion re <u>26</u> MOTION to Clarify re <u>24</u> Order on Motion for Leave to File, Order on Motion to Modify filed by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES. (Hungar, Thomas) (Entered: 10/09/2018)
10/09/2018	<u>29</u>	NOTICE of Change of Address by Rebecca Michelle Kopplin (Kopplin, Rebecca) (Entered: 10/09/2018)
10/10/2018	<u>30</u>	RESPONSE re <u>26</u> MOTION to Clarify re <u>24</u> Order on Motion for Leave to File, Order on Motion to Modify filed by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY. (Kopplin, Rebecca) (Entered: 10/10/2018)
12/18/2018	<u>31</u>	ORDER. See attached for further details. Signed by Judge Reggie B. Walton on December 18, 2018. (lcrbw3) (Entered: 12/18/2018)
12/20/2018		Set/Reset Deadlines: Joint Status Report due by 1/7/2019 (hs) (Entered: 12/20/2018)
12/26/2018	<u>32</u>	MOTION to Stay <i>Joint Status Report and Production Deadlines</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Kopplin, Rebecca) (Entered: 12/26/2018)
01/03/2019	<u>33</u>	MOTION to Withdraw as Attorney by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES (Hungar, Thomas) (Entered: 01/03/2019)
01/03/2019	<u>34</u>	NOTICE of Appearance by Kristin A. Shapiro on behalf of COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES (Shapiro, Kristin) (Entered: 01/03/2019)
01/07/2019		MINUTE ORDER. Upon consideration of the defendants' <u>32</u> Motion for a Stay of Joint Status Report Deadline and of Upcoming OMB Production in Light of Lapse of Appropriations, and for good cause shown, it is hereby ORDERED that the motion is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent that the government seeks to vacate the impending deadlines in this case. The motion is DENIED in all other respects. It is further ORDERED that the impending deadlines in this case are VACATED pending further Order of the Court. It is further

		ORDERED that, on or before January 28, 2019, the parties shall file a joint status report regarding how this case shall proceed. Signed by Judge Reggie B. Walton on January 7, 2019. (lcrbw3) (Entered: 01/07/2019)
01/07/2019		Set/Reset Deadlines: Joint Status Report due by 1/28/2019 (hs) (Entered: 01/07/2019)
01/07/2019	<u>35</u>	NOTICE of correction by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY (Kopplin, Rebecca) (Entered: 01/07/2019)
01/08/2019		MINUTE ORDER. Upon consideration of the defendant-intervenor's <u>33</u> Motion To Withdraw as Counsel, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Thomas G. Hungar is TERMINATED as counsel for the defendant-intervenor in this case. Signed by Judge Reggie B. Walton on January 8, 2019. (lcrbw3) (Entered: 01/08/2019)
01/23/2019		MINUTE ORDER. In light of the continued lapse in appropriations, it is hereby ORDERED that the previously imposed deadline for filing a joint status report on or before January 28, 2019, and the status conference currently scheduled for February 1, 2019, are VACATED. It is further ORDERED that, on or before fourteen days after appropriations have been restored, the parties shall file a joint status report proposing new deadlines in this case. Signed by Judge Reggie B. Walton on January 23, 2019. (lcrbw3) (Entered: 01/23/2019)
01/28/2019	<u>36</u>	NOTICE of Restoration of Appropriations by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY (Kopplin, Rebecca) (Entered: 01/28/2019)
02/08/2019	<u>37</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 02/08/2019)
02/15/2019		MINUTE ORDER. Upon consideration of the parties' <u>37</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that the Office of Management and Budget shall complete its final production on or before February 15, 2019. It is further ORDERED that, on or before February 15, 2019, the United States Department of the Treasury shall inform the plaintiff of its determinations concerning any documents containing a legend asserting congressional control over those documents or parts of those documents. It is further ORDERED that, on or before February 22, 2019, the plaintiff shall inform the defendants of the scope of its challenges regarding the defendants' withholdings. It is further ORDERED that, on or before March 15, 2019, the parties shall file a joint status report proposing a schedule for how this case should proceed. Signed by Judge Reggie B. Walton on February 15, 2019. (lcrbw3) (Entered: 02/15/2019)
02/22/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019 (hs) (Entered: 02/22/2019)
03/15/2019	<u>38</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE TREASURY. (Kopplin, Rebecca) (Entered: 03/15/2019)
03/25/2019	<u>39</u>	STIPULATION of Dismissal as to Defendant OMB by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 03/25/2019)
04/02/2019	<u>40</u>	MOTION to Withdraw as Attorney by COMMITTEE ON WAYS AND MEANS U.S. HOUSE OF REPRESENTATIVES (Hamm, Kimberly) (Entered: 04/02/2019)
04/02/2019		MINUTE ORDER. Upon consideration of the defendant-intervenor's <u>40</u> Motion to Withdraw as Counsel, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Kimberly Hamm is TERMINATED as counsel for the defendant-intervenor in this case. Signed by Judge Reggie B. Walton on April 2, 2019. (lcrbw3) (Entered: 04/02/2019)
04/04/2019		MINUTE ORDER. In light of the parties' <u>39</u> Joint Stipulation of Voluntary Dismissal of Defendant Office of Management and Budget, it is hereby ORDERED that the plaintiff's claims against the Office of Management and Budget are DISMISSED WITH PREJUDICE. Signed by Judge Reggie B. Walton on April 4, 2019. (lcrbw3) (Entered: 04/04/2019)
04/04/2019		MINUTE ORDER. Upon consideration of the parties' <u>38</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that (1) the United States Department of

		the Treasury ("Treasury") shall file its motion for summary judgment on or before May 24, 2019, (2) the plaintiff shall file its combined cross-motion for summary judgment and opposition to Treasury's motion on or before June 28, 2019, (3) Treasury shall file its combined opposition to the plaintiff's cross-motion and reply in support of its motion on or before July 26, 2019, and (4) the plaintiff shall file its reply in support of its motion on or before August 9, 2019. Signed by Judge Reggie B. Walton on April 4, 2019. (lcrbw3) (Entered: 04/04/2019)
04/09/2019		Set/Reset Deadlines: Cross Motions due by 6/28/2019. Response to Cross Motions due by 7/26/2019. Summary Judgment motions due by 5/24/2019. Plaintiff's Reply in support of Motion for Summary Judgment due by 8/9/2019. (hs) (Entered: 04/09/2019)